

04-1384 CARABELL, ET AL. V. U.S. ARMY CORPS OF ENGINEERS, ET AL.

DECISION BELOW: 391 F.3d 704 (6th Cir. 2004)

LOWER COURT CASE NUMBER: 03-1700

QUESTIONS PRESENTED

1. Does the Clean Water Act extend to wetlands that are hydrologically isolated from any of the "waters of the United States?"
2. Do the limits on Congress' authority to regulate interstate commerce preclude an interpretation of the Clean Water Act that would extend federal authority to wetlands that are hydrologically isolated from any of the "waters of the United States?"

Cert. Granted 10/11/05

Consolidated with 04-1034 and a total of one hour allotted for oral argument.

04-1034 RAPANOS, ET AL. V. UNITED STATES

DECISION BELOW: 376 F.3d 629 (6th Cir. 2004)

LOWER COURT CASE NUMBER: 03-1489

QUESTIONS PRESENTED

1. Does the Clean Water Act prohibition on unpermitted discharges to "navigable waters" extend to nonnavigable wetlands that do not even abut a navigable water?
2. Does extension of Clean Water Act jurisdiction to every intrastate wetland with any sort of hydrological connection to navigable waters, no matter how tenuous or remote the connection, exceed Congress' constitutional power to regulate commerce among the states?

Cert. Granted 10/11/05

Consolidated with 04-1384 and a total of one hour allotted for oral argument.